

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

DANA EUGENE BUSKIRK,

Plaintiff,

v.

CIVIL ACTION NO. 6:13-cv-05800

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

Before the Court is Plaintiff Dana Eugene Buskirk's Complaint seeking review of the decision of the Acting Commissioner of Social Security, Carolyn W. Colvin ("Commissioner") [ECF 2]. By Standing Order entered September 2, 2010, and filed in this case on March 22, 2013, this action was referred to former United States Magistrate Judge Mary E. Stanley for submission of proposed findings and a recommendation ("PF&R"), and the case was later transferred to United States Magistrate Judge Dwane L. Tinsley. Magistrate Judge Tinsley filed his PF&R [ECF 14] on January 30 2014, recommending that this Court affirm the final decision of the Commissioner and dismiss this matter from the Court's docket.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.


1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R were originally due on February 18, 2014. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [ECF 12], **DENIES** Plaintiff’s request for judgment on the pleadings (ECF 11), **AFFIRMS** the final decision of the Commissioner, **DISMISSES** the Complaint [ECF 2], and **DIRECTS** the Clerk to remove this case from the Court’s docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 19, 2014



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE